DEFAULT-ALD

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS A DULY CONSTITUTED ELECTORAL BOARD

Objections of: JOHN SOMERVILLE	)	
	)	
To the Nomination	)	
Papers of: ANDREW P. NOREN	)	No.: 03-EB-ALD-045
	)	
Candidate for the office of	)	
Alderman of the Nineteenth Ward, City of	)	
Chicago	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Theresa M. Petrone, and Richard A. Cowen, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board for the purpose of hearing and passing upon objections ("Objections") of JOHN SOMERVILLE ("Objector") to the nomination papers ("Nomination Papers") of ANDREW P. NOREN, candidate for the office of Alderman of the Nineteenth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 25, 2003, having convened on December 30, 2002, at 10:00 a.m., in Room 800, 69 West Washington Street, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.

2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman of the Electoral Board and served upon the members of the Electoral Board, the Objector and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. The Electoral Board assigned this matter to Hearing Examiner LYNNE R. OSTFELD for further hearings and proceedings.

5. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Trial Call. A public hearing held on these Objections commenced on January 2, 2003 at 11:15 AM. The following persons, among others, were present at such hearing; the Objector, John Somerville, by counsel. The Hearing Examiner called the case several times but the Candidate did not appear. The Hearing Examiner found that the Candidate had been properly served with notice of the hearing and further found that the Objector's Petition sufficiently stated grounds which, if accepted as true, would invalidate the Candidate's

Nomination Papers. She also found that it was evident from the face of the petitions that at least ten petition sheets were photocopies and duplicates and that two petitions contained oaths which had been notarized prior to the petitions being circulated. The Hearing Examiner has recommended that the Objector's Petition be sustained, that the Candidate be defaulted, and that the Candidate's name not be printed upon the official ballot.

6. The Electoral Board finds that the Candidate, ANDREW P. NOREN, was served personally with a copy of the Electoral Board's Call to the January 2, 2003 hearing by a deputy Cook County Sheriff on December 30, 2002 at 3:31 PM. The Candidate, ANDREW P. NOREN, was also served with a copy of the Call to the January 2, 2003 hearing by certified mail on December 27, 2002. A signed receipt acknowledging receipt of the certified mail item is included with Group Exhibit C.

7. The Electoral Board finds that the Candidate, ANDREW P. NOREN, did not appear at the duly called hearing conducted in this matter after having been duly served with a copy of the Call and having been notified of the meeting and hearing in this cause as required by law.

8. The Electoral Board further finds that the Objector's verified petition, on its face, contains sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers.

9. Therefore, the Electoral Board finds that the Candidate, ANDREW P. NOREN, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of JOHN SOMERVILLE to the Nomination Papers of ANDREW P. NOREN, candidate for election to the office Alderman of the Nineteenth Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of ANDREW P. NOREN, candidate for election to the office of Alderman of the Nineteenth Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 25, 2003.

Dated: Chicago, Illinois, this Fourteenth day of January, 2003.

Langdon D. Neal, Chairman

Theresa M. Petrone, Commissioner

Richard A. Cowen, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 10 days after the decision of the Electoral Board.